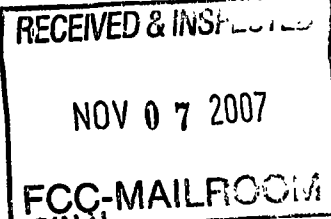


KATHLEEN F. O'REILLY  
ATTORNEY AT LAW  
414 "A" Street, Southeast  
Washington, D.C. 20003

Tel: 202.543.5068

kforeilly@dojaccess.net



Facsimile: 202.546-8395

November 2, 2007

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A325  
Washington, D.C. 20554

*Re: In the Matter of Kurtis J. Kintzel, Keanan Kintzel, and all Entities by which  
they do business before the Federal Communications Commission  
EB Docket No. 07-197*

Dear Ms. Dortch:

NASUCA is in receipt of correspondence to the Commission's Secretary dated Oct 30, 2007 and Oct 31, 2007, regarding a request under 47 C.F.R. § 1.41 on behalf of Kurtis J. Kintzel, Keanan Kintzel, and all other Entities by which they do business ("the Kintzels, et al"). Although neither correspondence actually specifies the nature or caption of the anticipated additional pleading, NASUCA objects to such request. The Kintzels et al should not be allowed to use what could become a potentially infinite string of *additional pretrial pleadings* as a substitute for the more efficient and appropriate phases of the evidentiary hearing process, e.g., discovery and the presentation and cross-examination of witnesses, followed by arguments based on that evidence. Further, it should be noted that the material to which the Kintzels et al respond (a description of the Ohio process) was raised in response to the Kintzels et al's assertion that there had been no finding on the merits in Ohio. Whatever the Kintzels et al's view of the process in Ohio, there was such a finding.<sup>1</sup>

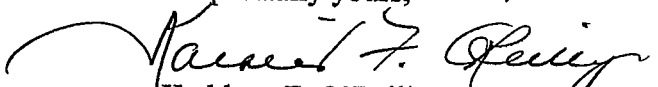
One issue raised in the request must be immediately addressed and put to rest. Specifically, in the Oct 31, 2007 correspondence, at paragraph two of page two, the attorney for the Kintzels et al describes her intention to argue in that additional pleading the issue of the source of NASUCA's funding. That intention is apparently premised on this attorney's assumption that the role of non-profits in such proceedings as this may be questioned if they receive funding from the competitors of the entity that is the subject of the proceeding.

In this instance, NASUCA's filings have already rendered that concern moot. NASUCA directs attention to both its Petition to Intervene in this proceeding, and its Reply to the Opposition to its Petition to Intervene, in which NASUCA has stated explicitly the state agency nature of its members.

<sup>1</sup> Notably, the Kintzels et al make no reference to the findings on the merits in Iowa and Georgia.

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Respectfully yours,



Kathleen F. O'Reilly, Attorney at Law  
Counsel to NASUCA

**Certificate of Service**

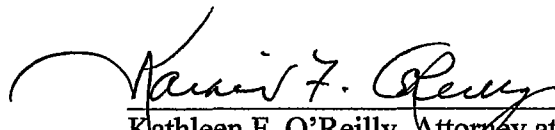
I HEREBY CERTIFY that a true and correct copy of the foregoing objection of the National Association of State Consumer Utility Advocates (NASUCA) to the request of Kurtis J. Kintzel, Keanen Kintzel, and all other entities by which they do business ("the Kintzels, et al"), for leave to file an additional pleading, was mailed this third day of November, 2007, by First Class mail, postage prepaid, to the following:

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A325  
Washington, D.C. 20554

Hilary S. DeNigro, Chief  
Enforcement Bureau, Investigations and Hearings Division  
Federal Communications Commission  
445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554

Michele Levy Berlove, Attorney  
Enforcement Bureau, Investigations and Hearings Division  
Federal Communications Commission  
445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554

Attorney Catherine Park, Counsel to the Kintzels et al  
2300 M Street, NW, Suite 800  
Washington, DC 20037

  
Kathleen F. O'Reilly, Attorney at Law  
Counsel to NASUCA